

Application No.: 10/714,966

Docket No.: 20140-00308-US1

REMARKS

Reconsideration of claims 1-10, 32-39, 41 and 45 is respectfully requested. Claims 1 and 32 are amended. Claim 1 was amended to include the "13.2 atom percent" limitation of objected claim 40. Claim 32 was amended to include the "13.2 atom percent" limitation of objected claim 44. Claims 40 and 44 are canceled. Applicants have also canceled all of the withdrawn claims in the application.

In response to the After Final rejection applicants amended claim 1 to include the limitation of objected claim 40. Applicants also amended claim 32 to include the limitation of objected claim 44 as well as deleting the term "amorphous" from claim 32. In response to this Amendment after Final, the examiner did not enter the claim amendments because the deletion of the term amorphous was said to raise a new issue.

Applicants now file this Supplemental Amendment After Final, which maintains the term "amorphous" in claim 32. Applicants spoke with the examiner on October 14, 2005 to discuss this Amendment and requested that the application be allowed because applicants amended both independent claims to incorporate the limitations of previously objected dependent claims.

The examiner, in turn, raised the argument that by changing the range of phosphorus in the claimed $\text{Co}_x\text{W}_y\text{P}_z$ films, that is, by changing the value of z from 11-25 at% to 13.2-25 at%, claims 3, 4 and 34-36 would be rendered indefinite under 35 USC 112, second paragraph. Applicants respectfully disagree for the following reasons.

Claims 3, 4 and 34-36 are merely additional compositional limitations to the claimed $\text{Co}_x\text{W}_y\text{P}_z$ films of amended claims 1 and 32. Another way of stating this is that claims 3, 4 and 34-36 are merely selected species of claims 1 and 32. For example, given that z is now defined as 0.132 to 0.25, provides that $(x + y)$ is defined by the following expression, $0.868 \geq x + y \geq 0.75$. If one then takes for example, the additional compositional limitations of claim 4, and inputs $y = 0.031$, then $0.719 < x < 0.837$ and $y = 0.069$, then $0.69 < x < 0.808$, in both cases, there exist specific values of x that lie within the claimed $0.77 < x < 0.83$. While it is true that some values of x are no longer being claimed, e.g., $y = 0.031$ and $x = 0.74$, that alone does not make claim 4 indefinite. Applicants are merely further defining the compositional

Application No.: 10/714,966

Docket No.: 20140-00308-US1

limits of the claimed $\text{Co}_x\text{W}_y\text{P}_z$ films. Similar calculations can be performed for the many other permutations, and in each case, there exists a species of x and y in each of the claimed ranges of claims 3, 4 and 34-36. Accordingly, applicants respectfully request that the amendments be entered after final, and the claims be allowed.

Applicants believe the pending application is in condition for allowance.

Please charge our Deposit Account No. 50-0510 under Order No. 20140-00308-US1 from which the undersigned is authorized to draw for any fees due with this Amendment.

Dated: October 14, 2005

Respectfully submitted,

By 

Joseph B. Barera

Registration No.: 44,522

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicants